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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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10 EGG WORKS, INC., et al.,

11 Plaintiffs,

12 v.

13 EGG WORLD LLC, et al.,

14 Defendants.
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2:10-cv-1013-LDG-RJJ

ORDER

16 Plaintiffs have filed a motion for temporary restraining order and preliminary injunction
17 (#6). The core element of a trademark infringement is whether customers are likely to be confused
18 about the source or sponsorship of the products. Reno Air Racing Ass'n v. McCord, 452 F.3d
19 1126, 1135 (9th Cir. 2006). The court finds that, while plaintiffs have addressed the factors
20 identified in AMF, Inc. v. Sleekcraft Boats, 599 F.2d 341, 348 49 (9th Cir. 1979), the record does
21 not support the issuance of an emergency temporary restraining order. In particular, the evidence
22 of actual confusion, in the form of statements by employees attesting to individuals mistakenly
23 contacting them regarding employment opportunities at defendants' soon-to-be opened location,
24 must be further developed in the preliminary injunction stage as support for consumer confusion,
25 as does the evidence of other individuals assuming that Egg World was the same entity as Egg
26 Works. Given that the threshold inquiry of the threat of irreparable harm cannot be resolved at

1 this early stage, the court finds that balancing the hardships favors denial of the motion for an
2 emergency temporary restraining order. However, the court will prioritize its consideration of the
3 motion for preliminary injunction. Accordingly,

4 THE COURT HEREBY ORDERS that plaintiffs' motion for a temporary restraining order
5 (#6) is DENIED.

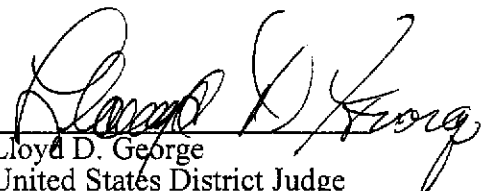
6 THE COURT FURTHER ORDERS that plaintiffs shall have to and including July 7,
7 2010, within which to serve upon the defendants all documents that are presently on file in this
8 action.

9 THE COURT FURTHER ORDERS that defendants shall have to and including July 14,
10 2010, within which to file any briefs, affidavits or other evidence in opposition to the motion for
11 preliminary injunction.

12 THE COURT FURTHER ORDERS that plaintiffs shall have to and including July 16,
13 2010, within which to file a reply brief, affidavits or other evidence in support of the motion for
14 preliminary injunction.

15 THE COURT FURTHER ORDERS that the parties shall appear on the 21st day of
16 July, 2010, at 10:00AM, before this court for a hearing on the motion for preliminary
17 injunction.

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19 Dated this 30th day of June, 2010.

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22 Lloyd D. George
23 United States District Judge
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